

## REMARKS

By the foregoing Amendment, Claims 1, 6 and 9 have been amended, and Claims 2, 3, 5, 7 and 8 have been cancelled. Favorable consideration of the application is respectfully requested.

Claims 1-3, 5-9 and 11-12 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Badger. Claims 2, 3, 5, 7 and 8 have been cancelled. Claim 1 has been amended to recite "an automatic shutoff nozzle in fluid communication with a fuel source, wherein the automatic shutoff nozzle forms a removable connection with the dual valve receiver." Claim 9 similarly has been amended to recite "connecting an automatic shutoff nozzle to the dual valve receiver, causing the first valve to open" and Claim 12 recites "connecting the automatic shutoff nozzle to the receiver, causing the first valve to open." It is respectfully submitted that Badger does not teach, disclose or suggest connection of a fuel receiver with an automatic shutoff nozzle, as is claimed. The automatic shutoff nozzle of the present invention forms a removable connection with the receiver, and controls fuel shutoff, allowing the refueling system to be less complicated overall than that disclosed in Badger. The automatic shutoff nozzle of the present invention further completely shuts off the supply of fuel to the dual valve receiver, whereas once the shutoff valve of Badger shuts off the fuel outlet to the tank, fuel may still be supplied through opening 52 to the jet sensor.

As is illustrated and described in Badger with regard to Figs. 1 and 2 at column 3, lines 40-63, when the tank liquid level fills the space 68-70 in the jet level sensor 20, the

primary and secondary shut-off poppets move to close the inlet valve 12, so that Badger does not teach, disclose or suggest the use of an automatic shut-off nozzle to shut off delivery of fuel to the tank. Further, at column 5, lines 37-39, Badger indicates that a refueling nozzle forms no part of the invention.

It is further noted that the Badger diaphragm valve receiver system has numerous components that increase the refueling system complexity, for use in an aircraft. The refueling system of the present invention, on the other hand, includes a simpler system with essentially three main components, namely the piston gate valve refueling receiver, the jet sensor, and the automatic shutoff nozzle, for refueling support of construction and off-road vehicles.

Claim 6 has also been amended to recite "a second valve including a piston shuttle having an open position and a closed position, a first end and a second end, the first end disposed inside the chamber, the first end of the piston shuttle including a seal to prevent fuel from escaping from the inside of the chamber." In contrast, Badger discloses a diaphragm seal 94 in the chambers 90 and 92 of the primary and secondary relays 72 and 74. The piston shuttle seal of the present invention permits the dual valve receiver to have a simpler, more robust construction than the diaphragm valve seal receiver of Badger.

Further with regard to Claim 11, the present invention utilizes a jet sensor with a single, direct fluid line outlet and inlet at the cutout section, whereas the jet sensor of Badger provides dual jet ejectors and dual jet receivers, connected to the primary and secondary relays, contributing to the undue complexity of the receiver of Badger.

Further regarding Claim 12, it is respectfully submitted that the use of a vent, as is recited in Claim 12, allows the refueling of fuel tanks under fully vented conditions when using the automatic shutoff nozzle, whereas prior technology did not allow the use of an automatic shutoff nozzle with fully vented tanks, since such automatic shutoff nozzles are dependent upon tank back pressure to activate of the automatic shutoff.

It is therefore respectfully submitted that Claims 1, 6, 9 and 11-12 are novel and inventive over Badger, and that the rejection relating to Claims 1, 6, 9 and 11-12 on the grounds of anticipation by Badger should be withdrawn.

Claims 4 and 10 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Badger in view of Mylander, which was cited as disclosing a tank with a vent valve. It is respectfully submitted that Mylander also does not teach, disclose or suggest connection of a fuel receiver with an automatic shutoff nozzle, as is claimed. It is further respectfully submitted that the use of a vent, as recited in Claim 12, allows the refueling of fuel tanks under fully vented conditions when using the automatic shutoff nozzle, whereas prior technology did not allow the use of an automatic shutoff nozzle with fully vented tanks, since such automatic shutoff nozzles are dependent upon tank back pressure to activate of the automatic shutoff. It is therefore respectfully submitted that Claims 4 and 10, which depend from Claims 1 and 9, respectively, are novel and inventive over Badger and Mylander, when taken either individually or together, and that the rejection relating to Claims 4 and 10 on the grounds of obviousness from Badger in view of Mylander should be withdrawn.

Applicant has reviewed the prior art made of record and not relied upon, and it is believed that the prior art made of record and not relied upon is no more pertinent than the references actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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